

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,132	09/824,132 04/03/2001		Mark M. Stephenson	00479.00001	8931
22907	7590	12/13/2006		EXAMINER	
BANNER			BHATIA, AJAY M		
1001 G STR SUITE 1100		,	ART UNIT	PAPER NUMBER	
WASHING	TON, DC	20001	2145		
				DATE MAILED: 12/13/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. OB/B24,132 Examiner Ajay M. Bhatia 2145	1						
### Examiner Apy M. Bhalia 2145 **The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **BROWN STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **BROWN STATE IS CONTINUED TO THIS COMMUNICATION. **BROWN STATE IS CONTINUED TO THIS COMMUNICATION. **A PROFIT OF THE THIS COMMUNICATION. **A PROFIT OF THE THIS COMMUNICATION. **TO THE TO THE TO THE THIS COMMUNICATION. **TO THE TO THE TO THE THIS COMMUNICATION. **TO THE TO THE THIS COMMUNICATION. **TO		Application No.	Applicant(s)				
Alsy M. Bhatia 2145		09/824,132	STEPHENSON ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estimation of time may be availated under the provisions of 3° CFR 1.1861, in no event, however, any a puly be intended to the provision of 3° CFR 1.1861, in no event, however, are a puly be intended to the provision of 3° CFR 1.1861, in no event, however, are a puly be intended to the communication. Failure to region and will expire SX (8) MONTHS from the railing date of this communication. Failure to region and ANDONED (SU S. C, § 133). Any reply received by the 30° CFR 1.17661, which is the three months after the making date of this communication, even if simely fixed, may reduce any searce parent in the experience. See 3° CFR 1.17661, and the provision of the provision of STATUS. Status 1) □ Responsive to communication(s) filled on 10° CFC (10° CFR). 20□ This action is FINAL. 2b) ☑ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.2.4-13.15.19-22.24.26-32.34-38 and 45-60 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are allowed. 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. 10) □ The drawing(s) filed on is	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **AND STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **And STAY (3) MONTH'S from the mailing date of this communication. **IN Depend for reply is specified above, the maintime statutory period will apply and will explicit SI, MONTH'S from the mailing date of this communication. **IN Depend for reply is specified above, the maintime statutory period will apply and will explicit SI, MONTH'S from the mailing date of this communication. **IN Depend for reply is specified above, the maintime statutory period will apply and will explicit situation. **Provided the maintime statutory period will apply and will explicit the mainting date of this communication. **Provided the maintime statutory and will be statutory and will be statutory and will be statutory. **Provided the maintime statutory and will be statutory and will be statutory. **Provided the maintime statutory and will be statutory and will be statutory. **Provided the maintime statutory and statutory and will be statutory. **Provided the maintime statutory and will be statutory. **Provided the above claim(s)		,					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waited under the provided or 30 ZFR 1.136(a). In ne event, however, may a reply be limbly filed after 50 K (b) MODITIS from the mailing date of this communication. Failur to reply version the mailing date of this communication. Failur to reply version the mailing date of this communication. Failur to reply within the set or centeded period for may will. by statulac. cause the application to become ARAMODIC 30 U.S.C. § 133. Any reply received by the Office leter than three months after the mailing date of this communication, even if timely filed, may reduce any seamed plates than adjustment. Set 37 CFR 1.70(b). Status 1) Responsive to communication(s) filed on 10 July							
1) Responsive to communication(s) filed on 10/20/06 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.2.4-13.15.19-22.24.26-32.34-38 and 45-60 is/are pending in the application. 4a) Of the above claim(s)	 WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
2a This action is FINAL. 2b \(\) This action is PINAL. 2b \(\) This action is the merits is action is PINAL. 2b \(\) This action is the merits is action is PINAL. 2b \(\) This action is the merits is action is piloteced to PINAL. 2b \(\) This action is the merits is action is action in the merits is action in the piloteced to Discrete the merits is action in the application in the application of the piloteced to Discrete to Discrete the merits is action in the piloteced to Discrete to Discrete the piloteced to Discrete to Discrete the piloteced to Discrete Piloteced to Discrete Statement(s) This piloteced to Discrete Statement(s) This piloteced to Discrete Discrete Piloteced (PTO-88) This piloteced to Discrete S							
Al) Claim(s) 1.2.4.13.15.19-22.24.26-32.34-38 and 45-60 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are elected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 □ Notice of References Cited (PTO-892) 11 □ Notice of Traftsperson's Patent Drawing Review (PTO-948) 12 □ Notice of Traftsperson's Patent Drawing Review (PTO-948) 13 □ Notice of Traftsperson's Patent Drawing Review (PTO-948) 14 □ International Declaration Sciences Statement(s) (PTO/SB/08) 15 □ Notice of Traftsperson's Patent Drawing Review (PTO-948) 16 □ Other:	2a) ☐ This action is FINAL . 2b) 【 This 3) ☐ Since this application is in condition for allowar	action is non-final. nce except for formal matters, pro					
4a) Of the above claim(s) is/are withdrawn from consideration. 5)	Disposition of Claims						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 10 Notice of Praftsperson's Patent Drawing Review (PTO-948) 21 Notice of Draftsperson's Patent Drawing Review (PTO-948) 22 Notice of Draftsperson's Patent Drawing Review (PTO-948) 23 Information Disclosure Statement(s) (PTO/SB/08) 24 Interview Summary (PTO-413) 25 Paper No(s)/Mail Date 5 Notice of Informal Patent Application 6 Other:	4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) See Continuation Sheet are subject to Application Papers 9) The specification is objected to by the Examine	vn from consideration. o restriction and/or election requir	rement.				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:	10) ☐ The drawing(s) filed on is/are: a) ☐ acce	epted or b) objected to by the I	Examiner.				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application Other:	Replacement drawing sheet(s) including the correcti	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Notice of References Cited (PTO-892)	Priority under 35 U.S.C. § 119						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informat Patent Application Other:	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application Other:	Attachment(s)						
Hattant and Trademad. Office	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P	ate				



Application No. 09/824,132

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1,2,4-13,15,19-22,24,26-32,34-38 and 45-60.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-2,4-13,15,19-22,24,26-32,34-38,45-54, are drawn to creating a http tunnel without receiving from the intermediate server computer a response including a connection identifier corresponding to a first return path, classified in class 709, subclass 227.
- II. Claims 55-60, are drawn to receiving from the intermediate server computer a response including a connection identifier corresponding to a first return path, classified in class 709, subclass 239.

Inventions I are II related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as receiving from the intermediate server computer a response including a connection identifier corresponding to a first return path. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

Art Unit: 2145

provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

In addition in reviewing applicant arguments received 10/19/2006, applicant starting on page 16, agrees with the examiner that claim 55-60 are directed toward a different invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/824,132

Art Unit: 2145

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone

Supervisor Patent Examiner

Page 4

Art Unit 2145

Hig Des